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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

December 15, 1995

Mark Silverman
Department of Energy-RFO
P.O. Box 928
Golden, Co 80402.

Dear Mark:

As you know, at our Workout Session on October 10 and 11, DOE, EPA and the State signed an "Agreement in Principle" that sets the parameters for concluding negotiations on a new cleanup agreement for Rocky Flats. We also agreed on a proposed conceptual "vision" to guide the activities at the Rocky Flats site, including general goals for environmental cleanup. Both the Agreement in Principle and the proposed Vision are currently open for public review and comment. We hope to be able to finalize a new regulatory agreement, which will supersede the IAG, by January or February 1996. While some changes to the ER baseline may be necessary as a result of the public review and comment, nevertheless, we have concluded that it is appropriate to amend the IAG schedules at this time to reflect our overall agreements; and retain enforceability over the agreed commitments.

To begin to honor these tentative agreements, our technical representatives have recommended a consolidation of Operable Units (OUs) at Rocky Flats to streamline the process and administrative requirements. Please see the consolidation recommendations of the Working group, December 7, 1995, copy enclosed.

Additionally, our representatives have received the environmental restoration (ER) "baseline" which was proposed by your staff, for FY 96. The proposed ER baseline is substantially different from the schedules that are currently in effect under the IAG. The ER baseline reflects new priorities that have arisen since the IAG schedules were developed originally, and is consistent with the proposed Vision. The ER baseline also accelerates certain cleanup actions in a manner that is consistent with priorities agreed by the Principals and the public at the March 1995 Summit. Additional detail is provided in the Working Group Recommendation for Prioritization of Candidate Sites for Environmental Restoration, September 27, 1995, copy enclosed.

Section VII.B. of the Statement of Work in ^{the} IAG provides that after the Phase I RI/RFI reports have been completed, the parties may reprioritize the OUs. Pursuant to this section, this letter approves the re-prioritization and reorganization of the OUs as described in the Enclosure. EPA and the State also approve revised

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ER Milestones for FY96

1. Accelerated Action at Trench T-3 in OU-2

Trench T-3 is believed to be a potential source of volatile organic compound (VOC) and radionuclide contamination to groundwater. The accelerated action is a source removal. The action consists of excavating approximately 2240 cubic yards of source material from the trench, treating material using thermal desorption technology, placing processed soils back into the trenches (if appropriate), and adding clean soil (if needed) to return the terrain to its pre-excavation condition.

Milestone

Completion of Source Material Excavation

Date

July 30, 1995

96

2. Accelerated Action at Trench T-4 in OU2

Trench T-4 is believed to be a potential source of VOC and radionuclide contamination to groundwater. The accelerated action is a source removal. The action consists of excavating approximately 2240 cubic yards of source material from the trench, treating material using thermal desorption technology, placing processed soils back into the trenches (if appropriate), and adding clean soil (if needed) to return the terrain to its pre-excavation condition.

Milestone

Completion of Source Material Excavation

Date

September 30, 1995

96

3. Accelerated Actions on IAG tanks on the Industrial Area

Accelerated actions will be completed at six Interagency Agreement (IAG) tanks in four Industrial Area Operable Units (OUs) (OU8, OU9, OU10, and OU13). The actions will consist of removal of the tanks' contents, rinsing the tanks, and filling the tanks with closed-cell foam for closure in place. All source materials in the tanks will be removed and treated using onsite treatment facilities.

Milestone

Completion of Tank Cleaning and Foaming

Date

September 30, 1995

96

December 7, 1995

Working Group Recommendation for Consolidation of Operable Units at Rocky Flats Environmental Technology Site

DOE, Kaiser-Hill, RMRS, CDPHE⁸ and EPA staffs developed the following proposal for Operable Unit (OU) consolidation during recent working sessions. These working sessions resulted in a recommendation to minimize the number of OUs for remediation and closure at the site. This replaces the earlier proposal dated September 28, 1995 which was modified to incorporate the Site Conceptual Vision (dated November 8, 1995) and other strategies, as well as to delineate the lead regulatory agency by area for the site.

The primary benefit of consolidating OUs is the reduced process and administrative requirements. Coordinating the regulatory jurisdictional boundaries with the OU consolidation boundaries also eases the administrative management of the OUs. The resulting cost savings can be applied to environmental remediation or other higher priority tasks at RFETS. In addition, less time and resources will be spent generating and reviewing documents, and more time and resources can be spent on risk reduction. Consolidation will also facilitate a more integrated approach to sitewide planning which will include sitewide prioritized remediation.

In the consolidation process, the working group identified the logical stopping point for each OU. Stopping points were selected to maximize the utilization of work completed to date. The working group recommends continuation of the closure process for those OUs which are nearing completion (OUs 1 and 3). In addition, the IM/IRA for OU 7 will continue and a proposed plan will be submitted based on the Presumptive Remedy currently being executed. This approach will accelerate closure and reduce costs. The following table summarizes the recommended stopping points for each OU.

Current OUs	Consolidation/Stopping Point for Work in Progress
OUs 1 and 3	Closure using the ROD process
OU 7	Submit IM/IRA and Proposed Plan concurrently
OU 2, OU 5 and OU 6	Complete RFI/RI Report
OU 4	Continue IM/IRA for Solar Ponds
OUs 8, 9, 10, 12, 13 and 14	Data summaries completed
OUs 11, 15 and 16	Already closed by RODs

Contaminant types and distribution, impact on surrounding areas, future potential for contamination, future land uses, and water management requirements were considered in addition to stopping points for each OU in developing the consolidation strategy. Based on these considerations the existing operable units are proposed to be consolidated in the following manner:

Proposed OUs	Consisting of	Lead Regulatory Agency
OU 1	Current OU 1 IHSSs	EPA
OU 3	Current OU 3 IHSSs	EPA
OU 7	Current OU 7 IHSSs	EPA
Industrial Area OU	All IHSSs from OUs 4, 8, 9, 12, 13, 14, the Original Landfill (OU 5-IHSSs 115 and 196), the Triangle Area, Old Outfall and Sludge Dispersal Area (OU 6-IHSSs 165, 143, and 141) and all OU 10 IHSSs except those in the PU&D yard (IHSSs 170, 174a and 174b).	CDPHE
Buffer Zone OU	All IHSSs from OU 2, the PU&D yard from OU 10, and all IHSSs from OU 5 and OU 6 except those listed above.	EPA

CDPHE will be the lead regulatory agency for the Industrial Area OU and the EPA will be the lead regulatory agency for the Buffer Zone OU. Enclosed is a map showing the new OUs and the lead regulatory agency for each area.

Groundwater at the site will be managed in an integrated fashion. The working group does not recommend that a separate operable unit be created for groundwater as closure is not anticipated in the near-term and the added resource costs of creating an OU do not outweigh the benefits.

Working Group concurrence signatures:

W. Carl Spreng 12/7/95
CDPHE date

EPA date

Ravi Batra 12/7/95
DOE RFFO date

Chit S. Dayton 12/7/95
Kaiser-Hill date

John E. Pa 12/7/95
RMRS date